

REMARKS

Claims 1-24 are currently pending.

Election of Species

In response to the Office Action mailed October 20, 2009, with a shortened statutory period of one month, Applicants hereby elect the invention of Species I, a calculating means configured to calculate an amount of primary energy, with traverse. Applicants submit that all of claims 1-24 read on the elected species. Claims 1-10 and 15-21 directly recite calculating an amount of primary energy. Claims 11-14 and 22-24 are generic to each of the identified species.

Applicants traverse the Examiner's assertion that the species are deemed to lack unity of invention and request that all claims be examined.

A lack of unity of invention is proper only in relation to the independent claims and not to the dependent claims (See PCT/GL/ISPE/1, Section 10.06). In this case there is only one independent claim.

A lack of unity of invention may be made where the single independent claim fails to make a contribution over the prior art (i.e. lacks novelty or inventiveness) and therefore fails to constitute a special technical feature, thus leaving the dependent claims without a single general inventive concept. (See PCT/GL/ISPE/1, Section 10.02). In this case, however, documents found in the PCT International Search of priority document PCT/JP2004/010992 found documents only in categories A and E. Thus no document was found in the PCT search that would raise the issues of lack of novelty or lack of inventiveness of independent claim 1.

Applicants submit that the species identified by the Examiner are linked to form a single inventive concept because there is a special technical relationship among the claimed inventions involving one or more of the of the same technical features. Further, Applicants submit that examination of all pending claims can be made without serious burden to the Examiner. Accordingly, Applicant respectfully requests that the restriction based on lack of unity be withdrawn and all of claims 1-24 be examined.

In view of the above, prompt examination of the present application is respectfully requested.

Respectfully submitted,

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(Date)

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